UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/071,018	02/07/2002	Hui Su	S01.12-0869	8761

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Todd R. Fronek
WESTMAN CHAMPLIN & KELLY
International Centre - Suite 1600
900 South Second Avenue
Minneapolis, MN 55402-3319

EXAMINER
TORRES, JOSEPH D

ART UNIT	PAPER NUMBER
2133	

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>10 June 2005</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

    a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

    b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

    Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☒ The Notice of Appeal was filed on <u>04 March 2005</u>. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

    (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

    (b)☐ They raise the issue of new matter (see NOTE below);

    (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

    (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

    NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

    The status of the claim(s) is (or will be) as follows:

    Claim(s) allowed: _____.

    Claim(s) objected to: _____.

    Claim(s) rejected: <u>*1,2,5-11 and 14-17*</u>.

    Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
    <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.

13. ☐ Other: _____.

JOSEPH TORRES
PRIMARY EXAMINER

Joseph D. Torres, PhD
Primary Examiner
Art Unit: 2133

Continuation of 11. does NOT place the application in condition for allowance because: Iwamura teaches determining a number of sectors to be read from the storage medium (col. 10, lines 3-21 in Iwamura teaches determining a number L of sectors to be read from the storage medium at sector address X+1 to X+L); reading data from all sectors of the number of sectors during a first operation of the data storage system (col 10, lines 7-10 in Iwamura teach error correction is performed by reading the data that was just written to sector addresses X+1 to X+L, hence Iwamura teaches reading data from all sectors of the L sectors at sector address X+1 to X+L during a first operation of the data storage system); identifying error sectors; correcting the data from the error sectors (col. 4, lines 13-16 in Iwamura teaches error correction processing; Note: error correction processing is a step for identifying error sectors and correcting the data from the error sectors); and writing corrected data to the error sectors during a second operation of the data storage system (col. 4, lines 16-21 in Iwamura teaches writing corrected data to the error sectors during a second operation of the data storage system).

However Iwamura does not explicitly teach the specific use of identifying error sectors having a number of errors above a predetermined threshold.

Satoh, in an analogous art, teaches use of identifying error sectors having a number of errors above a predetermined threshold (col. 4, lines 2-16 in Satoh teach that after the track is read the track is monitored to verify if the number of errors in a sector exceeds a prescribed number threshold of allowable errors; hence Satoh teaches identifying the number of errors in a sector of a track having a number of errors above a predetermined threshold).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Iwamura with the teachings of Satoh by including use of identifying error sectors having a number of errors above a predetermined threshold. This modification would have been obvious to one of ordinary skill in the art, at the time the invention was made, because one of ordinary skill in the art would have recognized that use of identifying error sectors having a number of errors above a predetermined threshold would have provided the opportunity to write data to an alternative sector as taught in Satoh (col. 4, lines 14-16 in Satoh).

Note: Col. 4, lines 1-16 in Satoh is substantially a masking means for correcting and rewriting a sector of a track and Buffer memories RAM-1 and RAM-2 store Masking information on particular sectors to be written to during error correction.

However Satoh does not explicitly teach the specific use of a mask.

The Examiner asserts that Col. 4, lines 1-16 in Satoh is substantially a masking means for correcting and rewriting a sector of a track and that using a mask to implement an alternative embodiment of the teachings taught in the Satoh patent would have been an obvious engineering design choice based on hardware and software requirements of the design.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Satoh by including use of a mask. This modification would have been obvious to one of ordinary skill in the art, at the time the invention was made, because one of ordinary skill in the art would have recognized that use of a mask would have provided the opportunity to implement an alternative embodiment the design taught in Satoh based on obvious engineering design choice such as hardware and software requirements of the design. .